

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

ANTOINE HARRIS, *et al.*,

Plaintiffs,

vs.

DENISE GERTH, *et al.*,

Defendants.

Case No. 08-12374

Robert H. Cleland
United States District Judge

Michael Hluchaniuk
United States Magistrate Judge

**ORDER STRIKING PERCIVAL'S AND BUHOVECKY'S
MOTION FOR TEMPORARY RESTRAINING ORDER**

This is a civil rights action filed under 42 U.S.C. § 1983 by multiple plaintiffs who are in the custody of the Michigan Department of Corrections. (Dkt. 1). This case was referred, for all pre-trial matters, to the undersigned Magistrate Judge on August 14, 2008. (Dkt. 40).

On September 4, 2008, plaintiffs Percival and Buhovecky filed a motion for temporary restraining order seeking to prevent defendants Caruso and Bergh and “potential Defendant James Rankin” from delaying and confiscating their legal correspondence. (Dkt. 77). This motion, although it purports to be filed on behalf of both plaintiff Buhovecky and plaintiff Percival, was signed only by plaintiff Buhovecky. *Id.* The motion is not supported by a brief as required by Local Rule

7.1. *Id.*

Accordingly, the Court **STRIKES** the motion because: (1) plaintiff Percival did not sign the motion, as required by Federal Rule of Civil Procedure 11(a); and (2) the moving parties did not file a supporting brief in accordance with Local Rule 7.1(c).

IT IS SO ORDERED.

The parties to this action may object to and seek review of this Order, but are required to file any objections within 10 days of service as provided for in 28 U.S.C. § 636(b)(1) and Local Rule 72.1(d)(2). A party may not thereafter assign as error any defect in this Order to which timely objection was not made.

Fed.R.Civ.P. 72(a). Any objections are required to specify the part of the Order to which the party objects and state the basis of the objection. Pursuant to Local Rule 72.1(d)(2), any objections must be served on this Magistrate Judge.

Date: September 9, 2008

s/Michael Hluchaniuk
Michael Hluchaniuk
United States Magistrate Judge

CERTIFICATE OF SERVICE

I certify that, on September 9, 2008, I electronically filed the foregoing paper with the Clerk of the Court using the ECF system, which will send electronic notification to the following: Christine M. Campbell. I also certify that I have mailed, by United States Postal Service, the foregoing paper to the following non-ECF participants**:

Stephanale Adams, # 229338

Macomb Correctional Facility
34625 26 Mile Road
New Haven, MI 48048

Andy Anderson, # 494273

Alger Maximum Correctional Facility
Industrial Park Drive
P.O. Box 600
Munising, MI 49862

Jeffery Buhovecky, # 325635

Alger Maximum Correctional Facility
Industrial Park Drive
P.O. Box 600
Munising, MI 49862

Jeffrey Carney, # 188923

Marquette Branch Prison
1960 U.S. Hwy 41 South
Marquette, MI 49855

Andre Coleman, # 173324**

Marquette Branch Prison
1960 U.S. Hwy 41 South
Marquette, MI 49855

Lorenzo Anthony, # 247064

Standish Maximum Correctional Facility
4713 West M-61
Standish, MI 48658

Julius Bannerman, # 196416

Alger Maximum Correctional Facility
Industrial Park Drive
P.O. Box 600
Munising, MI 49862

Serrell Butts, # 360595

Alger Maximum Correctional Facility
Industrial Park Drive
P.O. Box 600
Munising, MI 49862

Usamah Carswell, # 256679

Huron Valley Complex Men's
3201 Bemis Road
Ypsilanti, MI 48197

Andre Coleman, # 173324**

Alger Maximum Correctional Facility
Industrial Park Drive
P.O. Box 600
Munising, MI 49862

William Echols, # 249166

Alger Maximum Correctional Facility
Industrial Park Drive
P.O. Box 600
Munising, MI 49862

Delauren Gordon, # 259187

Alger Maximum Correctional Facility
Industrial Park Drive
P.O. Box 600
Munising, MI 49862

Eugene Humbert, # 272728**

Alger Maximum Correctional Facility
Industrial Park Drive
P.O. Box 600
Munising, MI 49862

Edward Hairston, # 276060

Alger Maximum Correctional Facility
Industrial Park Drive
P.O. Box 600
Munising, MI 49862

Johnny Jackson, # 243915

Alger Maximum Correctional Facility
Industrial Park Drive
P.O. Box 600
Munising, MI 49862

James Lindsey, # 256676**

Alger Maximum Correctional Facility
Industrial Park Drive
P.O. Box 600
Munising, MI 49862

Curtis Fuller, # 211080

Marquette Branch Prison
1960 U.S. Hwy 41 South
Marquette, MI 49855

Antoine Harris, # 374671

Alger Maximum Correctional Facility
Industrial Park Drive
P.O. Box 600
Munising, MI 49862

Eugene Humbert, # 272728**

Ionia Maximum Correctional Facility
1576 W. Bluewater Hwy
Ionia, MI 48846

Tyrone Jackson, # 226967

Alger Maximum Correctional Facility
Industrial Park Drive
P.O. Box 600
Munising, MI 49862

William Little, # 203715

Alger Maximum Correctional Facility
Industrial Park Drive
P.O. Box 600
Munising, MI 49862

James Lindsey, # 256676**

Baraga Maximum Correctional Facility
13924 Wadaga Road
Baraga, MI 49908-9204

Jeremy Mosely, # 281663

Alger Maximum Correctional Facility
Industrial Park Drive
P.O. Box 600
Munising, MI 49862

Leon Percival, # 220239

Alger Maximum Correctional Facility
Industrial Park Drive
P.O. Box 600
Munising, MI 49862

Darren Patton, # 423237

Alger Maximum Correctional Facility
Industrial Park Drive
P.O. Box 600
Munising, MI 49862

Randolph Reed, # 400534

Alger Maximum Correctional Facility
Industrial Park Drive
P.O. Box 600
Munising, MI 49862

** Plaintiffs, Andre Coleman, Eugene Humbert, and James Lindsey are being served at both the address reflected on the Court's docket and the address reflected on the Michigan Department of Corrections prisoner tracking system website.

s/James P. Peltier
Courtroom Deputy Clerk
U.S. District Court
600 Church Street
Flint, MI 48502
(810) 341-7850
pete_peltier@mied.uscourts.gov